In the United States District Court of Delaware

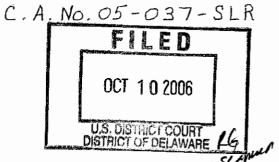
Harry Samuel

Plaintiff

٧.

Thomas Carroll, (Warden), Rob Young, First Correctional Medical and Correctional Medical Service

Defendants



Regarding Correctional Medical Services, Inc., Motion for a Protective order

Plaintiff requested discovery from CMS and FCM and ophelia Waters (Department of Justice) as a <u>informal</u> resolution. See Exhibit - B

Plaintiff mailed a COPY of Plaintiff Discovery request to the U. S. District court. Exhibit - B

CMS did not respond to Plaintiff in 23 days of Alaintiff request. the Plaintiff requested informal discovery from CMS in 30 days Pursuant to rule 34, Fed. R.P., Rule 33 and Rule 36.

Instead CMS move to the District for a Protective order Which states Plaintiff discovery requests and any Potential responses thereto by CMS are not relevant to a determination of CMS' Motion to Dismiss, which is directed to the averments in Plaintiff Complaint and whether Plaintiff, has failed to state a Claim upon which relief can be granted. DI.85

Inaddition CMS request à 30 day extention from the District Court to respond to Plaintiff Discovery request. 30 days after CMS Motion to dismiss is rendered. D. I. 85

Plaintiff amended complaint and filings, in District Court Claim CMS delayed Plaintiff dental Treatment for 2 month (and one week) from July 1,2005 to September 7,2005. After Plaintiff was on the waiting list for 10 month by FCM. see Exhibit - A Fee sheet CMS use when CMS Filled / Treated Plaintiff Tooth / teeth

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Plaintiff Submit the Pleadings alone are not enough
to grant Summary Judgement. Plaintiff has Submitted
evidence insupport of Plaintiff Complaint. In addition
there is evidence in the record to Support Plaintiff Claim.
Pursuant to Rule 5 b (e) FRCP. Exhibit - A (CMS Fee for Treatment)
and Date of Treatment

Plaintiff Submit Rule 56 (f) Fed R. Civ. P., State's that Rule 56 (f) Which allows a summary Judgement motion to be denied, or the hearing on the motion to be continued, if the nonmoving Party has not had an opportunity to make full discovery.

Plaintiff understand that Pursuant to Fed. R. Civ. P., a Discovery can be in any Sequene.

Plaintiff filed a reply brief to aid the District Court in understanding the nature and bases of Plaintiff Complaint, Claims, and Pleading.

Plaintiff Submit Plaintiff Discovery request are relevant to a determination of Plaintiff Case. Claims and Defenses. Plaintiff requested Production of names, titles, Polices, of Prison officials, CMS and FCM that responded to and Who are reponsible for filling Plaintiff Tooth I teeth. And their Duties and Policies on handcuffing Inmate/Plaintiff in the rear during Treatment (restrains) See Exhibit - B

Plaintiff, Submit that Plaintiff Discovery request on restraints - hand cuff during Treatment do not aply to CMS as CMS did not Treat Plaintiff while Plaintiff was hand cuffed. only the 2 month delay dental claims.

Plaintiff, Submit the restraints Discovery apry to Thomas Carroll (warden) Rob Young %, FCM.

Conclussion

Plaintiff ask that this Honorable u.s. District court denie CMS, Motion for a Protective order for the reasons and Rules herewithin. Plaintiff request CMS Produce Discovery that aplies to CMS in the 30 days Plaintiff ask Pursuant to Rules 34, 33 and 36, Fed. R. Civ. P., unless this court rules other Wise.

Date 9-21-2006

Respectfully Submitted Respectfully yours truely Harry L. Samuel pro Se

Delaware Department of Correction Health Care Services Fee Sheet

Inmate Name Harry Samuel	SRI# 00201360	
(Last, First MI)		
Facility DCC-	Date 9-7-2005	
Chargeable Visit Non Chargeable Visit	\$4.00 -0-	
Medication Handling Fee (S2.0)		
Total Amount Charged To Inma	te Account s 4.00	
Health Care Staff Signature:		
I CERTIFY BY MY SIGNATURE THAT I H DESCRIBED ABOVE.	•	
Inmate Signature: Harry Januar	Date:	
1) *Witness Signature:	Date:	
2) *Witness Signature:	Date:	

The fee for services rendered will be deducted from y deducted generates a negative balance. Any funds recent negative balance. Any negative balance remaining on remain active for three (3) years after the date of release. So of Correction as an immate within that three (3) year periody your inmate account on your new commitment.	vived by you will first be applied to any your account when you are released will should you return to Delaware Department	
Distribution:		
Original: Facility Business Office Posted/Entered by Copy: Inmate Medical Record (yellow) Inmate (pink)	Date	
*Only needed if inmate refuses or is unable to sign. FORM #: 621		
3 part NCR	pintist Kathy	
-	Filled tooth July 1, 2005	
(C:Copay 96:Form.4)	beginning of september 2005. (CMS)	

Certificate of Service

I, Harry Samuel, t	ereby certify that I have served a true
and correct cop(ies) of the attached: 1e Her/	Motion and Exhibits
RE: CMS protective order motion	upon the following
parties/person (s):	
TO: Dana Spring Monzo	TO: OPhelia M. Waters
(Mc Cullough & McKenty, PA.) 1225 N. King Street, Suite 1100	Deputy Attorney General State of Delaware Department of Justice
P. O. Box 397	820 North French Street, 6+h, FI
Wilmington, DE. 19899-0397 (FCM)	Wilmington Delaware 1980 (Warden, et al)
TO: Keyin J. Connors	TO:
(Marshair, DenneHey, Warner,	
Coleman & GOGGIN)	
1220 North Market Street	
Sth Fl. P.O. BOX 8888 Wilmington, DE. 19899-8888 (CMS,I)	
BY PLACING SAME IN A SEALED ENVELOR States Mail at the Delaware Correctional Center, 119977.	81 Paddock Road, Smyrna, DE
On this 21st day of September	, 2006
On this 21st day of <u>September</u> , 2006 Harry Samuel	



DELAWARE CORRECTIONAL CENTER

SMYRNA, DELAWARE 19977

1181 PADDOCK ROAD

UNIT 23

SBI# 201360

To. Office of the Clerk United States District Court 844 N. King Street, Lockbox 18 Wilmington, Delaware

legal mail